

Appendix XXVI

Guidelines for Places of Refuge Decision-Making

Region 9-Regional Response Team

April 2005

1. Purpose and Scope

The purpose of the *Guidelines for Places of Refuge Decision-Making (Guidelines)*¹ is to provide:

- (1) A decision-making process (Appendix 1) to assist U.S. Coast Guard (USCG) Captains of the Port (COTP) in deciding whether a vessel needs to be moved to a place of refuge and, if so, which place of refuge to use; and
- (2) A framework for developing pre-incident information on potential places of refuge (see Appendix 3) for inclusion in appropriate sub area contingency plans.

These *Guidelines* address places of refuge decision-making throughout California. They are consistent with the December 2003 International Maritime Organization “Guidelines on Places of Refuge for Ships in Need of Assistance”, and the Pacific States/B.C. Oil Spill Task Force “USCG Pacific Area/Pacific States/BC Oil Spill Task Force Area Plan Annex for Places of Refuge.”

These *Guidelines* provide the COTP with a process that will help (1) expedite place of refuge decision-making, and (2) ensure stakeholders and other technical experts are consulted as appropriate. This in turn, helps ensure that the COTP has appropriate input, and the best available information, prior to making a place of refuge decision.

2. Overview

A “place of refuge” is defined as a location where a vessel needing assistance can be temporarily moved to, and where actions can then be taken to stabilize the vessel, protect human life, reduce a hazard to navigation, and/or protect sensitive natural resources and/or other uses of the area (e.g., subsistence collection of mussels, commercial fishing, recreational boating). A place of refuge may include constructed harbors, ports, natural embayments, temporary grounding sites, or offshore waters. A vessel moved to a temporary grounding site must be removed after emergency actions are completed. There are currently no pre-approved places of refuge identified in California.

Leaking vessels may need to be brought into a harbor, or anchored or moored in protected waters to make repairs to stop the loss of oil or other hazardous substances. Likewise, vessels that have lost power or steerage may need to be brought into a place of refuge for repairs to prevent a shipwreck that could result in the loss of fuel, hazardous substances, or other cargo. Taking these actions would help prevent or minimize potential adverse affects to the public, the environment, and resource users.

¹ “Guidelines” mean the decision-making guidelines and matters set forth in this document. Notwithstanding any such words as “may,” “should,” “will,” “must,” or “shall,” these guidelines are intended solely as factors that may be considered with respect to the exercise of judgment in deciding whether, where, and when to direct or permit a vessel to seek a place of refuge, as well as considered during the execution and implementation of any such decisions.

There is no single place of refuge suitable for all vessels and all situations. Decisions relating to places of refuge need to be made on an incident-specific basis because they encompass a wide range of issues that vary according to each situation, such as:

- Each incident is unique (e.g., vessel size, fuel carried, and reason for assistance).
- Information relevant to a specific location may be incomplete or out-of-date.
- Weather and sea conditions are variable.
- Fish and wildlife resources are mobile and may or may not be in an area as anticipated.
- The locations of other activities (e.g., commercial fishing and subsistence use) vary over time.
- Resources (e.g., salvage vessels) available to respond to the incident vary over time.

Region 9 Regional Response Team (RRT9) supports the pre-identification of potential places of refuge that would be evaluated on an incident-specific basis (see Appendix 3). Pre-identifying a potential place of refuge does not require that those locations will be used as a place of refuge. The RRT9 does not support the pre-approval of places of refuge in Alaska.

The best location for a place of refuge at any given point in time is dependent on incident-specific characteristics and real-time input by appropriate stakeholders (see Appendix 2). When considering places of refuge decisions, the COTP will need to consider multiple interests, including, but not limited to, operational, human health and safety, natural resources, security, resource users, land owners and land managers.

If time allows, the COTP will activate a Unified Command under the Incident Command System for the decision-making process. The decisions to direct or permit a vessel to seek a place of refuge, as well as the decisions and actions implementing those decisions, will be based on best available information and best professional judgment.

Decisions regarding places of refuges will consider each of the following options, as appropriate:

- The vessel remaining in the same position.
- The vessel continuing on its voyage.
- The vessel moving to another location farther from shore.
- The vessel being intentionally scuttled in deep water.
- The vessel moving to a place of refuge.

The incident-specific places of refuge decision-making process, outlined in Appendix 1, recognizes that while the timeframe for the COTP to make decisions regarding places of refuge varies, it may be divided into the following three categories:

- (1) The vessel's situation requires immediate action, leaving no time for consultation with the State On-Scene Coordinator, natural resource trustees, or other appropriate stakeholders.
- (2) The vessel's situation requires rapid action, leaving time for consultation with the State On-Scene Coordinator, natural resource trustees, and other, but not all, appropriate stakeholders.

- (3) The vessel's situation requires timely action, and there is time to consult with the State On-Scene Coordinator, natural resource trustees, and all other appropriate stakeholders.

3. Authorities and Responsibilities

The decision-making process in these *Guidelines* is based on the following assumptions:

- The U. S. Coast Guard COTP (who is also the designated Federal On-Scene Coordinator) has authority to order vessels into and out of ports, harbors and embayments in order to protect the public, the environment, and maritime commerce². While the COTP retains ultimate authority for places of refuge decision-making, the COTP will consult with the State On-Scene Coordinator, natural resource trustees or other appropriate stakeholders in accordance with the *Guidelines* and will activate a Unified Command as appropriate.
- The State of California has authority to represent and protect the State's interest for incidents that may threaten or impact land, waters, and other resources within the territorial jurisdiction of the State, including State-owned tide and submerged lands. The Department of Fish & Game Office of Spill Prevention and Response (OSPR) provides the designated State On-Scene Coordinator.
- The U.S. Department of the Interior (DOI), the U. S. Department of Commerce, and U.S. Department of Agriculture each have authority to represent and protect their respective interests for incidents that may threaten or affect national parks, national marine sanctuaries, national wildlife refuges, national forests, other federal lands and their lands, waters, and other resources within Federal management authority, including Federally-owned submerged lands and Federally-owned shorelines, and to provide input to the COTP.
- OSPR and the California State Lands Commission have public trust responsibility for California's natural resources under their respective management authority and provide input to the State On-Scene Coordinator and the COTP.

² It should be noted that there may be some maritime homeland security situations where the COTP may have access to Sensitive Security Information and/or classified information that may affect the final disposition of a vessel requesting "Force Majeur" or permitting a vessel to seek a place of refuge or approval of a salvage plan. It may not be practical or possible to share the specifics of this information with any or all interested stakeholders.

4. *Guidelines Development*

The content of this document was developed by the Alaska Regional Response Team (ARRT) Places of Refuge Subcommittee (Subcommittee). Subcommittee members included representatives from the following entities: U.S. Coast Guard, Environmental Protection Agency, U.S. Department of the Interior, U.S. Department of Commerce, U.S. Department of Justice, Alaska Department of Environmental Conservation, Alaska Department of Fish and Game, Alaska Department of Natural Resources, oil spill cooperatives, industry production and transportation interests, Alaska marine pilot representatives, salvage operators, and regional citizens advisory councils. Following review and approval of the *Guidelines* by the Subcommittee, the document was submitted to the Alaska RRT for approval and inclusion in the *Unified Plan*. The *Guidelines* were approved by the Alaska RRT in October 2004.

This document was adopted by the Region 9 Regional Response Team for incorporation into the California Area Contingency Plans (North Coast, San Francisco Bay & Delta, Central Coast, Los Angeles/Long Beach (Northern & Southern Sectors), and San Diego. RRT9 extends their appreciation to the ARRT for their efforts in developing the original document and allowing RRT9 to adopt it.

Incident-Specific Places of Refuge Decision-Making Process

Step 1. Place of Refuge Requested.

The U.S. Coast Guard Captain of the Port (COTP) receives a request from a vessel master or his/her representative³ to move a vessel to a place of refuge⁴. The COTP will request the following information from that individual:

- The location of the place(s) of refuge (if a specific location is requested).
- The reasons the vessel needs assistance and the specific assistance required.
- A summary of medical and/or life safety issues associated with the incident, including the need to evacuate or quarantine individuals from the vessel.
- The status of the vessel (e.g., steering, propulsion, firefighting capability).
- If the vessel is flooding, status of the vessel's pumping system.
- Types, quantities, hazards, and condition of petroleum products, hazardous substances, and/or other cargo onboard.
- The presence (or suspected presence) of rats, other invasive species, or diseases onboard the vessel.
- On-scene weather and water conditions and marine forecast.
- Status of notifications completed by master (e.g., owners, operators, agents, Qualified Individual, class society).

Step 2. Immediate Action Required by COTP.

If the vessel's situation requires immediate action, leaving no time for consultation with the State On-Scene Coordinator, natural resource trustees, or other appropriate stakeholders, the COTP will:

- ☐ Evaluate the options of the vessel remaining in the same position, continuing on its voyage, moving farther from shore, being scuttled in deep water, or moving to a place of refuge.

If evaluating a place of refuge, take into account, if possible, any potential places of refuge (PPOR) identified in the appropriate Subarea Contingency Plan (see PPOR Section H).

[NOTE: Selection of a place of refuge without incident-specific consultation with the State On-Scene Coordinator, natural resource trustees, and other appropriate stakeholders may result in a decision based on incorrect and/or incomplete information.]

³ In the event there are no individuals on board the vessel authorized to make the request, or the vessel has been abandoned, the COTP will be responsible (to the extent possible) for obtaining appropriate information requested in Step 1.

⁴ It is possible that the requestor will ask the COTP to identify a suitable place of refuge.

Step 2, Cont.

- ☐ Permit or direct the vessel to stay in place, continue on its voyage, move farther from shore, intentionally ground, move to a place of refuge, or oversee scuttling the vessel in deep water.
- ☐ Inform the State On-Scene Coordinator, natural resource trustees, and other appropriate stakeholders of the decision.
- ☐ Activate, if necessary, a Unified Command to address any remaining issues.

Step 3. COTP/Unified Command Evaluates Vessel Options.

If the vessel's situation does not require immediate action, the COTP will:

- ☐ Activate a Unified Command, if appropriate.
- ☐ Require, if appropriate, the vessel master or owner/operator to contract with a salvor and/or pollution response contractor.
- ☐ Dispatch, if safety considerations and time allows, an inspection team (i.e., the "Away Team") to board the vessel and evaluate the vessel's condition.
- ☐ Determine whether security partners should be notified, and if so, perform appropriate notifications.
- ☐ Review the appropriate Subarea Contingency Plan (see PPOR Section H) to determine whether potential places of refuge have been identified and if any may be appropriate for this incident.
- ☐ Contact the NOAA Scientific Support Coordinator to request the following information, as appropriate, for the option of the vessel staying in place, continuing its voyage, moving farther from shore, scuttling in deep water, or moving to a place of refuge:
 - Weather and sea states, including prevailing winds.
 - Tides and currents.
 - Seasonal considerations.
 - Potential temporary grounding locations (if intentional temporary grounding is an option).
 - Trajectories for products already or potentially discharged or released from the vessel.

Step 3, Cont.

- ☐ Contact Federal and State natural resource trustees (APPENDIX XXI of the RCP) to:
 - Request input on resources at risk for the options of the vessel remaining in the same position, continuing on its voyage, moving to another location farther from shore, being intentionally scuttled in deep water, or moving to a place of refuge.
- ☐ Contact appropriate Federal, State, and/or local safety and public health agency representatives to:
 - Request input on human health and/or safety issues related to individuals still onboard, individuals responding to the incident, and to the general public for the options of the vessel remaining in the same position, continuing on its voyage, moving to another location farther from shore, being intentionally scuttled in deep water, or moving to a place of refuge.
- ☐ Contact other appropriate stakeholders (APPENDIX XXI of the RCP) as time allows to:
 - Request input on other stakeholder interests at risk for the options of the vessel remaining in the same position, continuing on its voyage, moving to another location farther from shore, being intentionally scuttled in deep water, or moving to a place of refuge.
- ☐ Contact vessel master, vessel owner, and salvage experts to request input on the following information, as appropriate:
 - The status/seaworthiness of the vessel, in particular buoyancy, stability, availability of propulsion and power generation, docking ability, and progressive deterioration.
 - The impending threat to the vessel or its product.
 - Availability of rescue tugs/tow vessels of sufficient size and power to aid the vessel in distress, including towing.
- ☐ Contact appropriate oil spill response organization(s) (OSRO) to provide input on:
 - Ability and/or feasibility to respond to discharges/releases from the vessel.

Step 4. COTP/Unified Command selects vessel option.

Based on the input received in Step 3, the COTP/Unified Command will evaluate the following to determine whether the vessel should proceed (or be taken to) to a place of refuge (which would be identified in Step 8), whether it should remain in place, proceed on its voyage, be intentionally scuttled in deep water, or move farther from shore:

Vessel Status and Risk Considerations

- The kind and size of the vessel.
- The status/seaworthiness of the vessel, in particular buoyancy, stability, availability of propulsion and power generation, docking ability, and progressive deterioration.

Step 4, Cont.

Vessel Status and Risk Considerations, Cont.

- Types, quantities, hazards, and condition of petroleum products, hazardous substances, and/or other cargo onboard.
- The presence (or suspected presence) rats, other invasive species, or diseases onboard the vessel.
- The impending threat to the vessel or its product.
- Weather conditions and forecasts.
- Master's ability to navigate the vessel or need for a pilot.
- Health of crewmembers and vessel passengers, including the ability to isolate and control the movement of passengers, crew, and airborne infection to populated areas.
- Vessel traffic in the area.
- Ability of vessel to move from its current location, and estimated distance it could transit without further incident.

Response and Salvage Resources Considerations

- Availability of rescue tugs/tow vessels of sufficient size and power to aid the vessel in distress, including towing.
- Salvage and spill response resources on-scene with the vessel and available during transit.
- Vessel traffic in the area.
- Access to pier or dock with repair facilities.

Human Health and Safety Considerations

- Safety of individuals still onboard the vessel, if any.
- Safety of individuals performing salvage/response activities.
- Public health and safety.

Natural Resources Considerations

- Sensitive resources (e.g., migratory birds, marine mammals, fish, threatened or endangered species, or historic properties).
- Sensitive areas (e.g., designated essential or critical habitat, eel grass beds, marshes, parks, and refuges).
- Others, as identified by Federal and State natural resource trustees.

Other Stakeholders Considerations

- *To be identified by stakeholders* (examples include: subsistence use areas, mariculture sites, private lands, Native allotments, or commercial fishery areas).

Other Command Management Considerations

- Liability, insurance, and compensation issues and limits.
- Requirements of port or harbor authorities for financial responsibility and bonding.
- Media and public interest.

Step 5. COTP/Unified Command evaluates potential places of refuge based on operational criteria.

If the COTP/Unified Command determines that the risks of moving the vessel to a place of refuge are acceptable, the COTP/Unified Command will request the following information to help identify one or more potential place of refuge locations.

- ☐ Request from the NOAA Scientific Support Coordinator, the following information, as appropriate:
 - Weather and sea state including prevailing winds.
 - Tides and currents.
 - Seasonal considerations, such as ice.
 - Trajectories for products already or potentially discharged/released from the vessel.

- ☐ Request from appropriate Alaska Pilots Association or other mariners, the following port or anchorage criteria:
 - The type and size of the vessel and required “swing room” relative to the size of the place of refuge site.
 - Adequate water depth at mean low tide to accommodate the vessel.
 - Navigational approach, including vessel traffic and associated risks.
 - Pilotage requirements.
 - Anchoring depth and ground, or suitable docking facilities.
 - Availability of repair facilities.
 - Availability of cargo reception and storage facilities.
 - Land and/or air access.
 - Availability of required emergency response capabilities (e.g., firefighting, pollution prevention, or law enforcement).

If appropriate, the following temporary grounding site criteria:

 - Depth of water, not covering vessel deck.
 - Type of shore bottom.
 - Navigational approach and pilotage requirements.
 - Exposure of site to ocean waves/currents.
 - Land and/or air access.

- ☐ Contact appropriate salvage experts (may include USCG and vessel salvage representative) to request the following information, as appropriate, for all options being considered:
 - Any new information on the status/seaworthiness of the vessel, in particular buoyancy, stability, availability of propulsion and power generation, docking ability, and progressive deterioration.
 - Any new information on the impending threat to the vessel or its product.

Step 5, Cont.

- Availability of rescue tugs/tow vessels of sufficient size and power to aid the vessel in distress, including towing.
 - Available salvage and spill response resources.
 - Availability of appropriate and compatible lightering equipment and receiving vessels.
 - Availability of product storage (e.g., tanker barge, other vessels).
 - Availability of skilled labor and trained personnel.
 - Access to repair equipment and facilities.
 - Availability of cargo reception and storage facilities.
 - Salvage and response vessel access.
- ☐ Contact appropriate oil spill response organization(s) OSRO, if appropriate, to request:
- Ability and/or feasibility to respond to discharges/releases from the vessel.
- ☐ Contact port or harbor authorities and/or land owners and land managers to request information on:
- Permits or other requirements.

Step 6. COTP/Unified Command selects potential places of refuge based on operational criteria.

Based on input received in Step 5, the COTP/Unified Command will select one or more potential places of refuge based on the following considerations:

Port or Anchorage Area Criteria

- The type and size of the vessel compared to the size of the place of refuge site.
- Adequate water depth at mean low tide to accommodate the vessel.
- Navigational approach, including vessel traffic and associated risks.
- Pilotage requirements.
- Tides and currents.
- Seasonal conditions, such as ice.
- Anchoring depth and ground, or suitable docking facilities.
- Availability of repair facilities.
- Availability of cargo reception and storage facilities.
- Land and/or air access.
- Weather and sea state including prevailing winds.
- Requirements from port authorities, area landowners/managers.
- Availability of necessary emergency response capabilities (e.g., fire fighting, pollution response, and law enforcement).

Step 6, Cont.

Temporary Grounding Site Criteria, if appropriate

- Depth of water, not covering vessel deck.
- Type of shore bottom.
- Navigational approach and pilotage requirements.
- Seasonal conditions, such as ice.
- Exposure of site to ocean waves/currents.
- Land and/or air access.

Response, Salvage, and Repair Resources

- Available salvage and spill response resources.
- Salvage and response vessel access to the place of refuge.
- Availability of appropriate and compatible lightering equipment and receiving vessels.
- Availability of product storage (e.g., tanker barge, other vessels).
- Availability of skilled labor and trained personnel.
- Access to repair equipment and facilities.
- Availability of cargo reception and storage facilities.

Other Command Management Factors

- Liability, insurance, and compensation issues and limits.
- Requirements of port or harbor authorities for financial responsibility and bonding.
- Required notifications such as marine pilots, if applicable.
- Public expectations and media outreach.

Step 7. Stakeholders provided with places of refuge options.

The COTP/Unified Command will provide the following information to natural resource trustees and other appropriate stakeholders:

- The list of potential places of refuge.
- Principal reasons for selecting each location (e.g., the vessel cannot travel far without sinking; or location of repair facilities).
- How the vessel will transit to the area (e.g., on its own power or pulled by a tug).
- Amount, location, and type of petroleum products and/or other hazardous substances remaining on the vessel; the likelihood of discharge/release; and the anticipated trajectory for any products released.
- The presence (or suspected presence) rats, other invasive species, or diseases onboard the vessel.
- What incident-related activities will occur in the place of refuge (e.g., underwater welding).
- What support vessels/aircraft will be required (e.g., salvage vessel).
- The estimated duration the vessel will be in that location.
- Anticipated weather and sea states (including prevailing winds), tides and currents, and seasonal considerations relevant to places of refuge options.

Step 8. Stakeholders provide ranking of potential places of refuge options.

The COTP/Unified Command will request that natural resource trustees and other appropriate stakeholder groups:

- When possible, provide the COTP/Unified Command with a consensus ranking of the potential places of refuge, including any identified special considerations or constraints and any permits or other authorizations required.
- As appropriate, provide the COPT/Unified Command with documentation of considerations taken into account when arriving at a consensus position.

Step 9. Place of Refuge Selected.

Based on input received in Step 8, the COTP/Unified Command will:

- ☐ Permit or direct the vessel to move to a place of refuge.
- ☐ Inform appropriate stakeholders of the decision and of any additional response-related assistance required.
- ☐ Continue overseeing or directing, as appropriate, response activities until the case is closed.

Step 10. The COTP/Unified Command prepares documentation of the decision.

Potential Places of Refuge Stakeholder Groups

Identification of Potential Stakeholders:

This list identifies potential stakeholder groups throughout California. Before using this list for incident-specific places of refuge decision-making, check the appropriate Area Contingency Plan to determine whether specific stakeholders have been identified for a potential place of refuge. If so, use the specific list developed for that potential place of refuge. If not, use the list below as a guide for which stakeholder groups to consult.

Situation where full consultation is not possible:

When a vessel's situation allows time for consultation with some, but not all stakeholders, at a minimum, the COTP/Unified Command should contact:

- State On-Scene Coordinator
- Federal and State natural resource trustees
- Federal and State safety and public health agencies (if there is a risk to public safety and/or health)

As time allows, the COTP/Unified Command should also consult with Federally recognized tribes, and other appropriate potentially-affected stakeholders identified below.

List of Potential Stakeholder Groups:

- Federal natural resource trustees
- State natural resource trustees
- Federal, State, and local safety and public health agencies
- Federally-recognized tribes
- Land Owners:
 - Local (e.g., county/municipal) governments
 - Private land owners (e.g., Native corporations)
 - Others

Other Stakeholders

- Area Committee/Port Safety committees and law enforcement partners
- Commercial operators
- Port authorities


Process for Identification of Geographic-Specific Potential Places of Refuges within Region 9 Area Contingency Plans

Purpose

This appendix provides a framework for developing information on specific potential places of refuge in California. Following this framework will ensure that the process for developing the information and resulting documents is consistent with both the RRT9 *Guidelines for Places of Refuge Decision- Making* and all Region 9 Area Contingency Plans.

Document Development

Steps necessary to develop information for specific potential places of refuge include the following:

- Establish an ACP Places of Refuge Workgroup (Workgroup) of interested and knowledgeable stakeholders.
At a minimum, the Workgroup will include representatives from the U.S. Coast Guard, , appropriate Federal (e.g., Department of the Interior, Department of Commerce, and/or Department of Agriculture), and State (e.g., California OSPR and California State Lands Commission) and natural resource trustees.. In addition, federally recognized tribes and other interested stakeholders (e.g., safety and public health agencies) will be invited to participate in the Workgroup.
- Ensure the process is consistent with the RRT9 *Guidelines for Places of Refuge Decision-Making*.
- Identify type(s) of vessel (e.g., oil tankers) likely to be in need of a Place of Refuge.
- Determine environmentally and culturally sensitive areas at risk within the area.
- Identify candidate potential places of refuge and document how they meet specified criteria.
-  Prepare potential places of refuge chart/table sheets for each site.
- Arrive at consensus among Workgroup members on the draft section.
- Submit the draft section to the respective Area Committee for review and approval.
- Include the document in the Potential Places of Refuge Section of the appropriate ACP following public review.

Document Contents:

- Purpose and scope—this narrative introduces the topic and describes how the document supports the RRT9 *Guidelines for Places of Refuge Decision- Making*.
- How to Use the Potential Places of Refuge—this narrative briefly describes how potential places of refuge information is used in the RRT9 *Guidelines for Places of Refuge Decision- Making*.
- How the Document was developed—this narrative outlines the process used to identify the potential places of refuge and create the supplement and identifies who participated in the process.
- Potential Places of Refuge Chart/Table Sheets—pre-identified potential places of refuge will be identified on an area index map. Specific information on each place of refuge will be documented on a one-page (two-sided) sheet containing the following:
 - Side one: One or more color navigation charts of the candidate sites in the immediate vicinity showing approaches, anchorages, moorings, docks/piers, potential grounding sites, and existing geographic response strategies; a color aerial photograph of the location; and a chart legend.
 - Side two: Tables of information about each of the sites describing physical and operational characteristics of the sites (i.e., maximum vessel size, navigational approach, minimum water depths, maximum water depths, maximum vessel draft, swing room/dock face, bottom type, docks/piers, moorings, anchorages, firefighting anchorages, potential grounding sites, prevailing winds, currents, tides, sea conditions, shelter from severe storms and fog.); a list of stakeholders for the site; and other site considerations (i.e., health and safety, natural resources, response , and other considerations).